\* DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY

\* Case No. 91-460-A

Raymond A. Ricci, et ux Petitioners

7th Councilmanic District

\* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the minimum required 10 feet for a proposed carport in accordance with Petitioner's Exhibit 1.

The Petitioners, Raymond A. and Stephanie Ricci, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1752 Stengel Avenue, consists of .165 acres zoned D.R. 5.5 and is improved with a single family dwelling and accessory shed. Petitioners are desirous of constructing a carport on the south side of the subject dwelling, as depicted on Petitioner's Exhibit 1, to provide protection during inclement weather. Petitioners also testified the proposed carport will eliminate the need to replace existing awnings over the porch and windows on that side of the dwelling and extend the useful life of at least two of the three family vehicles. Testimony indicated that due to the size of the lot and the location of existing improvements thereon, the requested variance is necessary in order to construct the proposed carport. Testimony indicated the relief requested will not result in any detriment to the health safety or general welfare of the surrounding community. In further

support of their request, Petitioners submitted a letter of approval from the adjoining affected property owner.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

 whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the 'variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this  $\frac{\sqrt{3}}{2}$  day of August, 1991 that the Petition for Zoning Variance from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 1 foot in lieu of the minimum required 10 feet for a proposed carport, in accordance with Petitioner's Exhibits 1, 3 and 5, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The subject carport shall not be enclosed at any time and shall remain open on the three exposed sides.

3) Petitioners shall provide adequate guttering and rainspouts on the proposed carport to divert any water runoff away from the adjoining property.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

- 3-

Deputy Zoning Commissioner for Baltimore County

TMK:bjs

434

19/2/

PETITION FOR ZONING VARIANCE

Hardship and Practical Difficulty Attachment for Raymond A. Ricci 1752 Stengel Avenue Baltimore, Maryland 21222

(1). Owners have two small children which need to be transported five days a week. Sheltered access to a motor vehicle would eliminate the hazard of slick steps and road surfaces while loading and unloading the vehicle.

(2). Building under the current zoning law with the support columns two feet or more inside the property lines would place the support columns in the driveway leaving little or no room for the vehicle to pass the steps. As a result, it would become difficult to walk past the vehicle to enter the back porch as well as close the doors of the vehicle.

(3). Permission to build the carport would also satisfy the need for replacement awnings over the porch and side windows.

(4). The owners have three vehicles and the proposed carport would shelter two of them and help extend the useful life of these vehicles.

(5). The owners cannot afford, nor would it be practical to relocate to a house with a larger lot or attached garage.

91-460-A

434

## DESCRIPTION

Raymond A. Ricci 1752 Stengel Avenue Baltimore, Maryland 21222 (301) 282-8910

Beginning at a point on the West side of Stengel Avenue which is ten foot wide at the distance of 260' North of the Centerline of the nearest improved intersecting street of Alvah Avenue which is 40' wide, being Lot Numbers 564, 565, 566, Block Number Section Number S.E. 3-E in the subdivision of Kimberly Farms as recorded in Baltimore County Plat Book Number W.P.C. No.7, Folio 127 containing 7200 square feet also known as 1752 Stengel Avenue and located in the Number 12 Election District.

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OWNER RATE	STENSEL AVE	+ 57874/AL	<u>NE A</u> KCI 3. 21200		Zoning
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Variance from Section	roperty situate in Baltimore County and which hereto and made a part hereof, hereby petition for
A ATTAINED THE DECEMBER - PERFORMANCE AND CO.	was a part neteor, netery person to
To permit a side yard setback of one for	Qt in lieu of the required
-10' IN A DR 5.5 ZONE	
of the Zoning Regulations of Baltimore County, following reasons: (indicate hardship or practic	to the Zoning Law of Baltimore County; for al difficulty)
Please see Attachment for Raymond A. Ric	cci.
Detailed explanation of hardship and pro-	actical difficulty.
Property is to be posted and advertised a	4s prescribed by Zaning Regulations
	ariance advertising, posting, etc., upon filing of
	I/We do solemnly declare and affi under the penalties of perjury, that I, are the legal owner(s) of the prope which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Raymond A. Ricci (Type or Print Name)
Signature	Signature
Address	Stephanie A. Ricci (Type or Print Name)
City and State	Stephanie A. Mcci
Attorney for Petitioner:	
(Type or Print Name)	1752 Stengel Avenue (301) 282-89 Address Phone No.
Signature	Baltimore, Maryland 21222 City and State
Address	Name, address and phone number of legal owner, tract purchaser or representative to be contacted
City and State	Name
A11	Address Dhone No.
Attorney's Telephone No.:	Address Phone No.

april 34, 1991 Dear Paymond Rice, We are satisfied with your plane and your have our approval to Construct your corport.

91-460-A PETTONERS

EXMEDIT 2

Raymond A. Ricci 1752 Stengel Avenue Baltimore, Maryland 21222 Phone (301) 282-8910

April 16, 1991

91-460-A

Dear Mr. & Mrs. Paciocco,

The reason I am writing to you is to receive your approval for a carport that I am planning to construct. In order for the carport to be practical, the support columns must be located one foot from the fence so that the car can pass between the column and side steps. Zoning regulations for this area prohibit a one foot distance from the fence.

I am currently in the process of receiving a zoning variance for my property that will allow me to build the carport. I want to assure you that there will be no inconvenience to Debbie nor any damage to your lawn throughout construction of the carport.

I have talked to Debbie and she seemed to be satisfied with my

plans. However, I would like to receive your approval as owners of the property. Two sets of elevation plans are enclosed for your review. If you are satisfied with my plans, I would greatly appreciate a letter of approval and your initials on one set of plans.

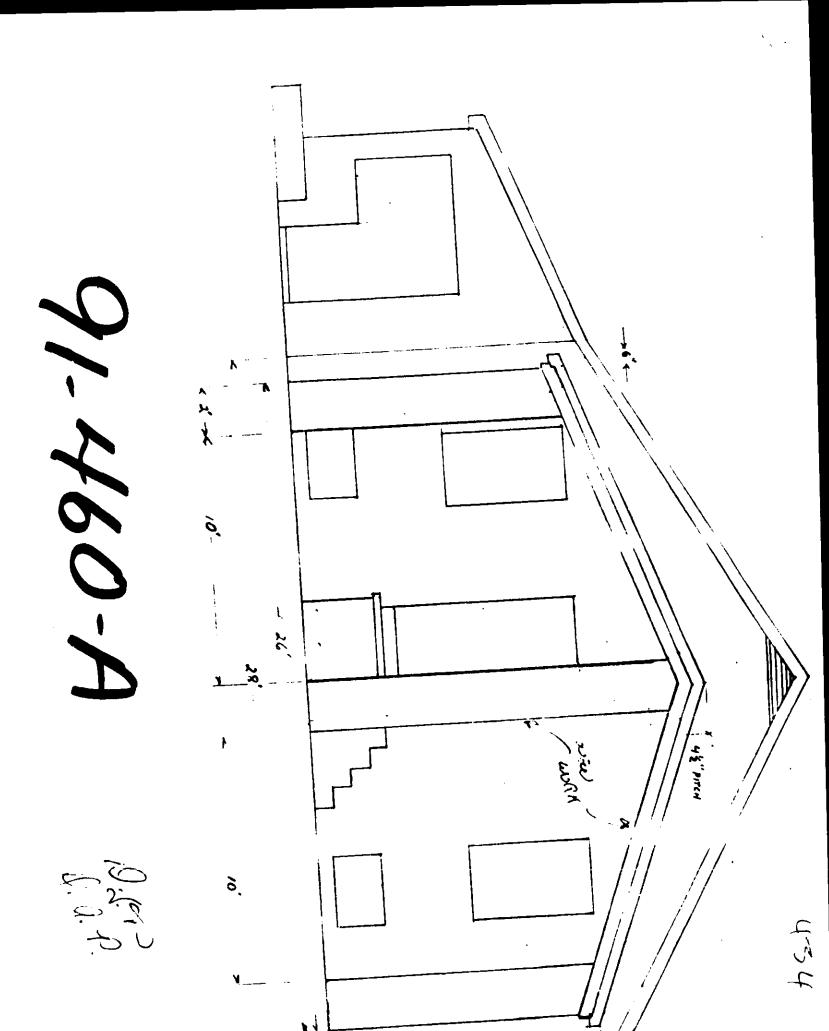
If there are any questions, please do not hesitate to contact me. Your approval on these plans will be greatly appreciated.

Sincerely,

Raymond A. Ricci

Attachments

439

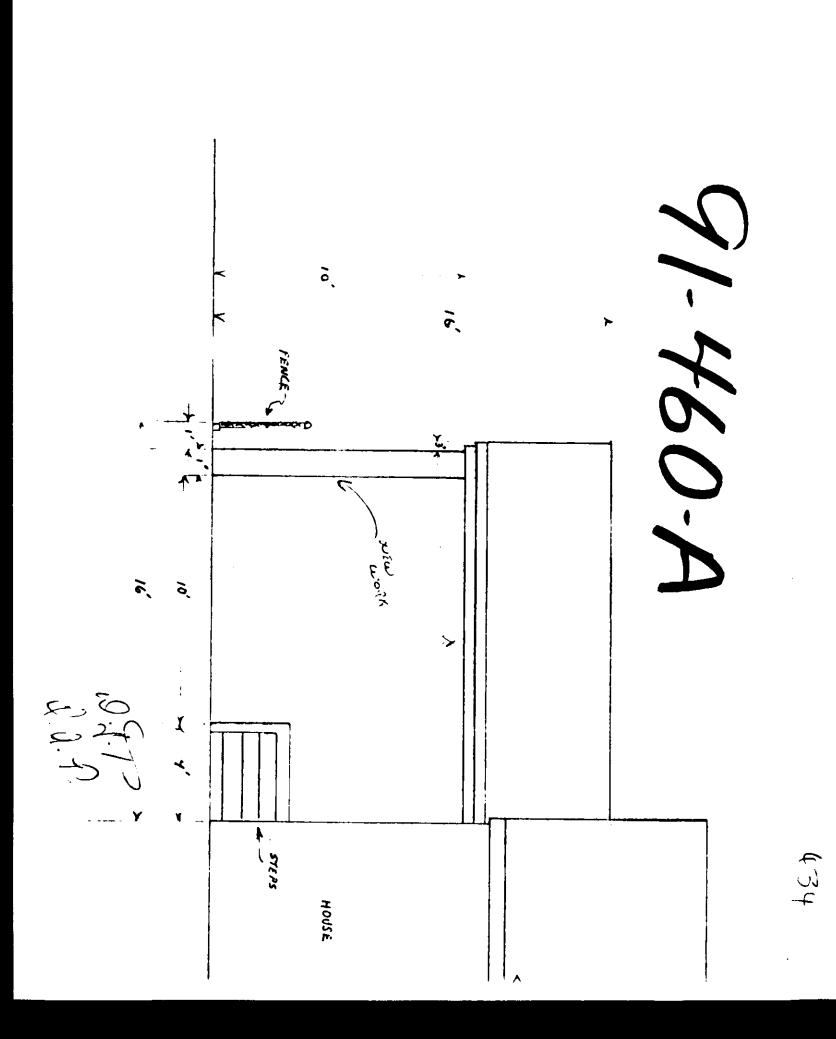


CASE NUMBER 91-460-A

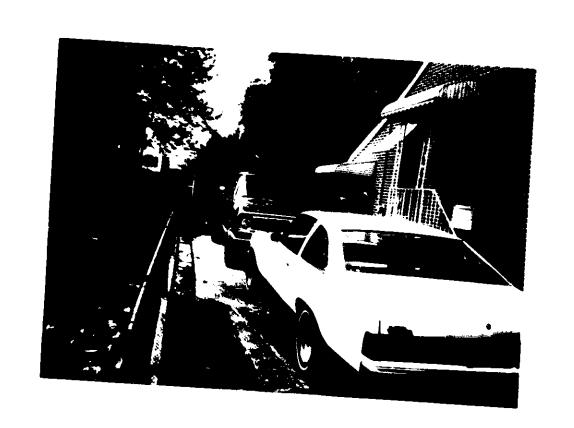




PETITIONER'S EXHIBIT#







PETITIONER'S O240010 0420 B ZONE C LOCATION SURVEY
#1752 STENGEL AVENUE
LOTS 5G4, 5G5 \$ 5GG

"KIMBERLY FARMS"
7 - 127 BALTIMORE COUNTY, MD.

12TH ELECTION DISTRICT

SCALE: 1": 20' 1/16/91

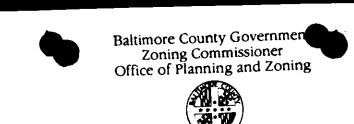
DEED: 6983 - 271 STENGEL AVENUE -20' PAVING' (40' R/W)

I NEMERY CERTIFY THAT THE LOT HAS BEEN SURVEYED FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ARE LUCATED AS SHOWN.

M. & H. DEVELOPMENT ENGINEERS, INC. 200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING TOWSON, MARYLAND 21204

#25985





111 West Chesapeake Avenue Towson, MD 21204

887-3353

August 8, 1991

Mr. & Mrs. Raymond A. Ricci 1752 Stengel Avenue Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE W/S Stengel Avenue, 260' S of Alvah Avenue (1752 Stengel Avenue) 12th Election District - 7th Councilmanic District Raymond A. Ricci, et ux - Petitioners Case No. 91-460-A

Dear Mr. & Mrs. Ricci:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Sun Hay Kotrow TIMOTHY M. KOTROCO Deputy Zoning Commissioner

for Baltimore County

Very truly yours,

TMK:bjs

cc: Mr. & Mrs. David Paciacco 1754 Stengel Avenue, Baltimore, Md. 21222

People's Counsel

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

July 9, 1991

887-3353

Mr. & Mrs. Raymond A. Ricci 1752 Stengel Avenue Baltimore, MD 21222

> RE: Item No. 434, Case No. 91-460-A Petitioner: Raymond A. Ricci, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Ricci:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JED:jw Enclosures Zoning Plans Advisory Committee

15th day of May, 1991.

Petitioner: Raymond A. Ricci, et ux Petitioner's Attorney:

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

Your petition has been received and accepted for filing this

ZONING COMMISSIONER

Zoning Plans Advisory Committee

Received By:

111 West Chesapeake Avenue Towson, MD 21201

887-3353

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: June 10, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Michael Prince, Item No. 420 Michael J. Maccubin, Item No. 431 Jay S. Lebow, M.D., Item No. 433 Raymond A. Ricci, Item No. 434

Terry W. Deitz, Item No. 435 Kathleen B. Thompson, Item No. 436 William Buzby, Item No. 437 Thomas P. Sisk, Item No. 441 Elmer S. Cochran, Item No. 444 Richard W. Offutt, Item No. 448 Joseph C. Hiltner, Item No. 449 Jan Frederick, Item No. 451 Joseph Klein, III, Item No. 452 Carl W. Miles, Item No. 457

In reference to the Petitioners' requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the

PK/JL/cmm

VARIED.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: May 30, 1991

Mr. J. Robert Haines Zoning Commissioner

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 28, 1991

Rahee J. Famili

This office has no comments for items number 427, 433, 434, 435, 436, 437, 438 and 440.

Traffic Engineer II

RJF/lvd

Baltimore County Government Fire Department 700 East Joppa Road Suite 901 Towson, MD 21204-5500

 $(301)88^{-1500}$ 

JUNE 4, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: RAYMOND A. RICCI

Location:

#1752 STENGEL AVENUE

Item No.: 434

Zoning Agenda: MAY 28, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt Group Noted and Approved Fire Prevention Bureau Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 3, 1991 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for May 28, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 427, 433, 434, 435, 436, 437 and 440.

For Item 397, a revised County Review Group Meeting is

For Case #R-91-113, a County Review Group Meeting is required prior to development of this site.

For Item 438, a County Review Group Meeting is required.

Robert W. Bowling, P.E., Chief, Developers Engineering Division

RWB: B

PLEASE PRINT CLEARLY PETITIONER (S	S) SIGN-IN SHEET
2 O NAME	ADDRESS 1752 Stence Aue
Ray Ricci Stephanie Ricci	1752 Strice Ave

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 887 3353 111 West Chesapeake Avenue Towson, MD 2120a DATE: 7 /4 Mr. & Mrs. Raymond A. Ricci 1752 Stengel Avenue Faltimore, Maryland 21222 Case Number: 41-460-A W/S Stengel Avenue, 260°S of Alvah Avenue 1752 Stengel Avenue 12th Election District - 7th Councilmanic Petitioner(s): Raymond A. kicci, et ux HEARING: TUESDAY, AUGUST 6, 1991 at 2:00 p.m. Dear Petitioner(s):

Please be advised that \$ 37.55 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Flease make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Date of Posting of Signe 126 y STrong of Drawn African Land De State mages topics I delivered Number of Signs:

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a or banimore County will float apublic hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 Case Number: 91-460-A
W/S Stengel Avenue, 260' S
of Alvah Avenue
1752 Stengel Avenue
12th Election District
7th Councilmanic
Petitioner(s):
Raymond A. Ricci, et ux
Hearing Date: Tuesday,
August 6, 1991 at 2:00 p.m. Variance: to permit a side yard setback of one ft. in lieu of the required 10 ft.

Zoning Commissioner of Baltimore County

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on 7/4, 1991.

THE JEFFERSONIAN,

\$ 32.83

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue Towson, MD 21204 JUNE 19, 1991 NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Rooms 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Case Number: 91-460-A W/S Stengel Avenue, 260°S of Alvah Avenue 1752 Stengel Avenue 12th Election District - 7th Councilmanic Petitioner(s): Maymond A. Ricci, et ux HEARING: TUESDAY, AUGUST 6, 1991 at 2:00 p.m. Variance to permit a side yard setback of one ft. in lieu of the required 10 ft. Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

OFFICE OF

Dundalk Eagle

Baltimore County Government Office of Zoning Administration & Development Management Office of Planning & Zoning 111 W. Chesapeake Avenue Towson, Maryland 21204 NOTICE OF HEARING The Zoning Commissioner of Balti-more County, by authority of the Zon-

ing Act and Regulations of Baltimore County will hold a public hearing on the property identified herein Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as

follows:
Case Number: 81-460-A
W/S Stengel Avenue, 260' S
of Alvah Avenue
1752 Stengel Avenue
12th Election District
7th Councilmanic District

Petitioner(s):
Raymond A. Ricci, et ux
HEARING: TUESDAY,
AUGUST 6, 1991 at 2:80 p.m.

Variance to permit a side yard set-

back of one ft. in lieu of the required

Zoning Commisioner

101 (sest Cassapendo Avenue Tawson Mayland (201)

County Office Building

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

July 4,

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing - Case #91-460-A - P.O. #0113068 - Rq. #M52888 lines @ \$30.00 The Dundalk Eagle a weekly news-

paper published in Baltimore County, Maryland, once a week successive weeks before the 19 91 ; that is to say, the same was inserted in the issues of July 4, 1991.

Kimbel Publication, Inc.

· receipt



91-460-A

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